



RESPONSE:

REQUEST FOR PRODUCTION NO. 39:

All documents sufficient to identify your policy or practice of document retention, destruction, disposal or preservation for the time period 1991 to the present.

RESPONSE:

VI. INTERROGATORIES

INTERROGATORY NO. 1:

For the period beginning January 1, 1998, and for each subsequent calendar quarter, and with respect to each of the AWPIDs, identify the following information:

- a. the total volume of sales, indicating both the number of units and net revenue;
- b. the "average wholesale price" (AWP), as reported in *Medical Economics Red Book*, *First Data Bank* and/or *MediSpan*, and the volume of sales (in both units and net revenue) occurring (i) at or within five percent of AWP, whether higher or lower, (ii) at more than five percent above AWP, and (iii) at more than five percent below AWP;
- c. the "average manufacturer price" ("AMP"), as reported to the Secretary of Health and Human Services, pursuant to the requirements of Social Security Act ("SSA")



§ 1927(b)(3), and the volume of sales (in both units and net revenue) occurring (i) at AMP and up to and including 10% above AMP, and less than or equal to 10% below AMP (broken out separately), (ii) at greater than 10% above AMP but less than or equal to 20% above AMP, and at greater than 10% below AMP but less than or equal to 20% below AMP (broken out separately), (iii) at greater than 20% above AMP but less than or equal to 30% above AMP, and at greater than 20% below AMP but less than or equal to 30% below AMP (broken out separately), (iv) at greater than 30% above AMP but less than or equal to 40% above AMP, and at greater than 30% below AMP but less than or equal to 40% below AMP (broken out separately), and (v) at greater than 40% above AMP but less than or equal to 50% above AMP, and at greater than 40% below AMP but less than or equal to 50% below AMP (broken out separately);

d. the "wholesale acquisition cost" ("WAC"), as reported by Medical Economics *Red Book*, *First Data Bank* and/or *MediSpan* or any other such entity that gathers and publishes "wholesale acquisition costs," and the volume of sales (in both units and net revenue) occurring (i) at or within five percent of WAC, whether higher or lower, (ii) at more than five percent above WAC, and (iii) at more than five percent below WAC;

e. the "best price," as reported to the Secretary of Health and Human Services, pursuant to the requirements of SSA § 1927(b)(3), and the volume of sales (in both units and net revenue) occurring (i) at or within five percent of the best price, whether higher or lower, (ii) at more than five percent above best price, and (iii) at more than five percent below best price (if applicable);

f. the total volume of sales, in both the number of units and net revenue, exempted from the calculation of the Medicaid best price as "merely nominal in amount," pursuant to the requirements of SSA § 1927(c)(1)(C)(ii)(III);



- g. the average price of the "nominal" sales, referenced in subsection (f),
above; and
- h. the total volume of the subject drug, in units, distributed as free goods.

ANSWER:

INTERROGATORY NO. 2:

For the period beginning January 1, 1998, to the present, has the distribution, marketing, sales or promotion of any AWPID considered, incorporated, or been based upon, in any way, the spread? If so, please describe the circumstances of such distribution, marketing, sales, or promotion, and provide all documents relating thereto, and identify all past and current employees with knowledge of the facts relating to such marketing, sales or promotion.

ANSWER:

INTERROGATORY NO. 3:

For the period of January 1, 1998, to the present, please state for each calendar quarter the largest single purchaser, in terms of units, of each of the AWPIDs and the following:

- a. the total number of units of the AWPIDs received by that purchaser; and
- b. the total net revenue received for the AWPIDs by your company from that purchaser.



Please also produce the contract or agreement governing your relationship with that purchaser for each relevant quarter.

ANSWER:

INTERROGATORY NO. 4:

For the period of January 1, 1998, to the present, and for each subject drug, please provide a list of all purchasers who received the subject drug at a price exempted from the calculation of the Medicaid "best price," pursuant to the requirements of SSA _1927(c)(1)(C)(ii)(III), and, for each such purchaser, indicate the volume of the AWPID received by calendar quarter, in units, and the range of prices at which such purchaser received the subject drug for that quarter.

ANSWER:

INTERROGATORY NO. 5:

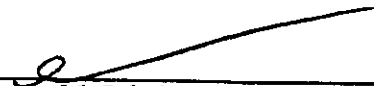
With respect to each AWPID, please describe how you calculate the prices and/or data reported to Medical Economics *Red Book*, *First Data Bank* or *MediSpan* or any other such entity that gathers and publishes either "average wholesale prices" or "wholesale acquisition costs."



ANSWER:

DATED: December 3, 2003

Respectfully submitted,

By 
Thomas M. Sobol
Edward Notargiacomo
Hagens Berman LLP
225 Franklin Street, 26th Floor
Boston, MA 02110
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

Steve W. Berman
Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

LIAISON AND CO-LEAD COUNSEL

Eugene A. Spector
Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Marc H. Edelson
Hoffman & Edelson
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

PLAINTIFFS' REQUEST FOR PRODUCTION
OF DOCUMENTS AND INTERROGATORIES

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Kenneth A. Wexler
Elizabeth Fegan Hartweg
The Wexler Firm
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Samuel Heins
Brian Williams
Heins, Mills & Olson, P.C.
700 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692

CO-LEAD COUNSEL

Michael McShane
Alexander, Hawes & Audet, LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 982-1886
Facsimile: (415) 576-1776

Robert E. Piper, Jr.
Piper & Associates
624 Pierre Avenue
Shreveport, LA 71103
Telephone: (318) 226-0826
Facsimile: (318) 424-9900

PLAINTIFFS LEAD COUNSEL COMMITTEE

Anthony Bolognese
Bolognese & Associates
One Penn Center
1617 JFK Boulevard, Suite 650
Philadelphia, PA 19103
Tel: (215) 814-6750
Fax: (215) 814-6764

Michael J. Flannery
Carey & Danis, LLC
676 North Michigan Ave., Suite 3110
Chicago, IL 60611
Tel: (312) 649-0100
Fax: (312) 664-7731



Jonathan W. Cuneo
The Cuneo Law Group
317 Massachusetts Ave. N.E., Suite 300
Washington, DC 20002
Tel: (202) 789-3960
Fax: (202) 789-1813

Neal Goldstein (Of Counsel)
Freedman & Lorry, PC
400 Market Street, Suit 900
Philadelphia, PA 19106
Tel: (215) 925-8400
Fax: (215) 925-7516

Michael E. Criden
Hanzman & Criden, PA
Commerce Bank Center, Suite 400
220 Alhambra Circle
Coral Gables, FL 33134
Tel: (305) 357-9000
Fax: (305) 357-9050

Blake M. Harper
Kirk B. Hulett
Hulett Harper LLP
550 West C Street, Suite 1700
San Diego, CA 92101
Tel: (619) 338-1133
Fax: (619) 338-1139

Jonathan D. Karmel
Karmel & Gilden
221 N. LaSalle Street
Suite 1414
Chicago, IL 60601
Tel: (312) 641-2910
Fax: (312) 641-0781

Dianne M. Nast
Roda & Nast, PC
801 Estelle Drive
Lancaster, PA 17601
Tel: 717-892-3000
Fax: 717-892-1200

Henry H. Rossbacher
Rossbacher & Associates
811 Wilshire Boulevard, Suite 1650
Los Angeles, CA 90017-2666
Tel: (213) 895-6500
Fax: (213) 895-6161



Jonathan Shub
Sheller, Ludwig & Badey, P.C.
1528 Walnut Street, 3rd Floor
Philadelphia, PA 19102
Tel: (215) 790-7300
Fax: (215) 546-0942

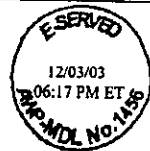
Scott R. Shepherd
Shepherd & Finkleman, LLC
117 Gayley Street, Suite 200
Media, PA 19063
Tel: (610) 891-9880
Fax: (610) 891-9883

Lisa J. Rodriguez
Ira Neil Richards
Trujillo Rodriguez & Richards, LLC
The Penthouse
226 West Rittenhouse Square
Philadelphia, PA 19103
Tel: (215) 731-9004
Fax: (215) 731-9044

Mitchell A. Toups
Weller, Green, Toups & Terrell, L.L.P.
2615 Calder Street, Suite 400
Beaumont, TX 77704
Tel: (409) 838-0101
Fax: 409-838-6780

Damon Young
Lance Lee
Young, Pickett & Lee
4122 Texas Boulevard
Texarkana, AR/TX 75504
Tel: (903) 794-1303
Fax: 903-792-5098; 903-794-5098

Stephen C. Richman, Esq.
Markowitz & Richman
121 South Broad Street
1100 North America Building
Philadelphia, PA 19107
Telephone: (215) 875-3100



CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing Plaintiffs' Request for Production of Documents to Aventis, Abott, Amgen, Boehringer, BMS, Johnson & Johnson, GSK, Hoffman, Immunex and Schering-Plough and Interrogatories to All Defendants Subject to Discovery to be served on all counsel of record electronically on December 3, 2003, pursuant to Section D of Case Management Order No. 2.

Steve W. Berman, Esq.
HAGENS BERMAN LLP
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292



EXHIBIT A

DRUGS SUBJECT TO DISCOVERY PER NOVEMBER 21 ORDER



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY ABBOTT**

Manufacturer	Brand Name (as listed on box)	Generic Name	ERYTH	ERYTH	ERYTH	ERYTH	ERYTH	ERYTH	ERYTH
ABBOTT	Biaxin*	clarithromycin	X	X	X	X	X	X	X
	Depakote*	divalproex sodium	X	X	X	X	X	X	X
	Prevacid	lansoprazole		X		X			X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY AMGEN**

Manufacturer	Brand Name (Trade Name)	Generic Name	ECW	TCB	MPW	CMV	MAN	PREM	Discovery Phase
AMGEN	Aranesp	darbepoetin alfa albumi	X						X
	Enbrel	etanercept	X		X				X
	Epogen	epoetin alfa	X		X				X
	Kineret	anakinra	X		X				X
	Neulasta	pegfilgrastim	X						X
	Neupogen	filgrastim	X	X	X	X			X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY ASTRAZENECA**

Manufacturer	Brand Name (if applicable)	Generic Name	Form	Route	Strength	Dosage	Quantity	Price	Programs Offered After 12/01/01
ASTRAZENECA	Zoladex	goserelin acetate			X				X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE AVENTIS GROUP**

Manufacturer	Brand Name	Generic Name	IN V	PCB	IN WP	CVIAT	MAIN	PSI H	DRUG
AVENTIS GROUP (Aventis, Pharma, Hoechst & Behring)	Anzemet*	dolasetron mesylate	X		X	X		X	X



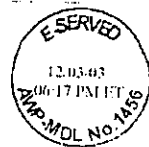
**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE BOEHRINGER GROUP**

Plaintiff Name	Drug Name	Generic Name	Boehringer	Boehringer	Boehringer	Boehringer	Boehringer	Boehringer	Boehringer
BOEHRINGER GROUP (Boehringer, Ben Venue, Bedford)	Viramune	nevirapine	X		X	X		X	X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE BMS GROUP**

Manufacturer	Brand Name or Abbreviation	Generic Name	PLAV	PLAV	PLAV	PLAV	PLAV	PLAV	PLAV
BMS GROUP	Blenoxane	bleomycin sulfate	X						X
	Carboplatin	paraplatin			X				X
	Cytosan	cyclophosphamide	X		X				X
	Etopophos	etoposide phosphate							X
	Taxol	paclitaxel							X
	Vepesid	etoposide	X		X				X
	Videx EC	didanosine	X		X		X	X	X
		amikacin sulfate							X
		amphotercin b							X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE GSK GROUP**

Manufacturer	Trade Name (if applicable)	Generic Name	CHV	W	PCW	HA	CM	EN	MA	PA	TH	Drugs of Proceedings (Nov. 2, 1994)
GSK GROUP (GlaxoSmithKline, SmithKline, Beecham, Glaxo Wellcome)	Agenerase*	amprenavir	X								X	X
	Combivir*	lamivudine-zidovudine	X			X	X		X		X	X
	Epivir*	lamivudine	X			X					X	X
	Kytril	granisetron hcl	X			X			X		X	X
	Purinethol*	mercaptopurine	X		X	X					X	X
	Retrovir*	zidovudine	X			X					X	X
	Trizivir*	abacavir sulfate-lamivudine-zidovudine	X			X			X		X	X
	Ziagen	abacavir sulfate	X			X					X	X
	Zofran*	ondansetron hcl	X		X	X	X				X	X
	Zofran ODT	ondansetron	X			X					X	X
		thioguanine									X	X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY HOFFMAN-LA ROCHE**

Manufacturer	Drug Name - Trade Name	Generic Name	BRAND	GEN	FORM	STRENGTH	MANUFACTURER	DATE	REMARKS
HOFFMAN-LA ROCHE	Kytril	granisetron hcl	X		X			X	X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY IMMUNEX**

Manufacturer	Brand Name (if applicable)	Generic Name	IMMUNEX	IPEDON	IPEDON	IPEDON	IPEDON	IPEDON	IPEDON
IMMUNEX	Novantrone	mitoxane hydrochloride							X
	Thioplex	lyophilized thiotepa	X						X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE JOHNSON & JOHNSON GROUP**

Manufacturer	Brand Name	Generic Name	PROV	TCRY	IF-WP	IMFV	MAN	REITV	DRUGS Pro-Card Labeling
JOHNSON & JOHNSON GROUP (J&J, Ortho and Centocor)	Procrit	epoetin alfa	X		X				X
	Remicade								X



**PURCHASES MADE BY PLAINTIFFS
OF DRUGS MANUFACTURED/DISTRIBUTED BY THE SCHERING-PLOUGH GROUP**

Manufacturer	Brand Name (if applicable)	Generic Name	ALLERGY	ASTHMA	DIABETES	HEART	IMMUNE	OTHER	Unknown
SCHERING-PLOUGH GROUP	Eulexin	flutamide	X		X				X
(Schering-Plough and Warrick)	Intron-A	interferon alfa-2b	X			X			X
	Proventil	albuterol	X	X	X	X	X	X	X
	Rebetol	ribavirin	X		X		X	X	X
	Temodar	temozolomide	X		X			X	X